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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Steven G. Reed

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08/04/2008

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EXAMINER

SWARTZ, RODNEY P

ART UNIT

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1645

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



### **DETAILED ACTION**

1. Applicants' Response to Office Action, received 28 April 2008, is acknowledged.
2. Claims 37-41 and 56-59 are pending and under consideration.

### **Rejections Maintained**

3. The rejection of claims 38-41 and 56-49 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 4, 6, 9, 24, 27, and 28 of U.S. Patent No. 7,083,796, is maintained.

The Terminal Disclaimer is signed by an attorney who is not of record.

4. The rejection of claims 37-41 and 56-49 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 7,122,196, is maintained.

The Terminal Disclaimer is signed by an attorney who is not of record.

5. The rejection of claims 37-41 and 56-49 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5 and 8-13 of U.S. Patent No. 7,261,897, is maintained.

The Terminal Disclaimer is signed by an attorney who is not of record.

6. The provisional rejection of claims 38-41 and 57-59 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 89-94 and 96-103 of copending Application No. 11/418,848, is maintained because it is not the only rejection remaining.

### **Conclusion**

7. All claims are finally rejected.

Art Unit: 1645

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rodney P. Swartz, Ph.D., Art Unit 1645, whose telephone number is (571) 272-0865. The examiner can normally be reached on Monday through Wednesday from 9:00 AM to 7:30 PM EST. Thursday is the examiner's work at home day.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Shannon Foley, can be reached on (571)272-0898.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rodney P. Swartz, Ph.D./

Primary Examiner, Art Unit 1645

August 4, 2008